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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 VANCE S. ELLIOTT,  
10 Plaintiff,

No. C 06-4842 SBA (WDB)  
and Related Case Nos.  
C 07-4446 SBA (WDB)  
MC 07-80166 SBA (WDB)

11 v.  
12

13 SAN FRANCISCO RENT  
14 STABILIZATION AND  
ARBITRATION BOARD,

15 Defendant.  
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ORDER TO SHOW CAUSE

17 On April 4, 2007, District Judge Armstrong ordered the parties in the lead action (C06-  
18 4842 SBA) to participate in a settlement conference between January 9 and January 18, 2008.  
19 Pursuant to that Order, the undersigned caused to be issued a Clerk's Notice of Settlement  
20 Conference, dated October 10, 2007, which included the following orders to the parties and their  
21 lawyers: (1) by no later than January 8, 2008, lodge with the undersigned a Confidential  
22 Settlement Conference Statement and (2) through lead trial counsel and a representative of the  
23 client who has full authority to negotiate and settle the case, appear at the settlement conference  
24 in Courtroom 4 of the federal courthouse in Oakland, California, on January 17, 2008. Per order  
25 dated October 10, 2007, District Judge Armstrong referred the related actions (C07-4446 SBA  
26 and former miscellaneous action C07-mc-80166 SBA (terminated on 8/28/07)) to the  
27 undersigned for a settlement conference.  
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1 On October 17, 2007, Plaintiff Vance S. Elliott, appearing pro se, filed, but did not serve,  
2 a Motion to Withdraw from the Court-ordered settlement conference. Mr. Elliott's attempt to  
3 withdraw from the required settlement conference was ineffective: Mr. Elliott did not appear to  
4 serve his Motion to Withdraw on defense counsel, he did not seek an order vacating the  
5 settlement conference, and he was not excused from appearing.

6 By a subsequent Clerk's Notice dated October 26, 2007, the settlement conference in the  
7 related cases was duly noticed for January 17, 2008, and notification was mailed to Mr. Elliott.  
8 In that notice, the clerk of this Court noted that Mr. Elliott filed a motion to withdraw, and noted  
9 that he "may be excused from the settlement conference only by order of the Court." On January  
10 17, 2008, defendants and their attorney appeared for the settlement conference; Mr. Elliott did  
11 not appear. Nor did Mr. Elliott lodge a confidential statement in advance of the settlement  
12 conference. Earlier this week, because Mr. Elliott had not submitted a settlement conference  
13 statement, the clerk of the Court considered contacting Mr. Elliott but could not do so because  
14 he did not provide the Court with a telephone number where he could be reached.

15 The Court is aware that Mr. Elliott is representing himself and does not have the benefit  
16 of legal counsel. However, when the Court orders the parties to submit statements and appear  
17 in Court, it is foreseeable that defendant and defense counsel would expend the necessary time  
18 and resources to submit the required statements and make the required appearances. When  
19 plaintiff fails to do so, it is foreseeable that his failure to comply with the Court's orders would  
20 result in defendant wasting time and resources and incurring fees and expenses unjustifiably.

21 Given the matters described in the preceding paragraphs, the Court hereby ORDERS  
22 plaintiff Vance S. Elliott TO SHOW CAUSE WHY HE SHOULD NOT BE SANCTIONED  
23 FOR (1) failing to submit a confidential statement, and (2) failing to appear at the settlement  
24 conference. In response to this Order, Mr. Elliott shall do the following:

- 25 1. By February 8, 2008, Mr. Elliott must file and serve on defense counsel a writing  
26 that explains in detail why, without permission from the Court, he did not submit  
27 a confidential written settlement conference statement and why he did not appear  
28 at the Court-ordered settlement conference;

2. Mr. Elliott must appear at 1:00 p.m., on FRIDAY, FEBRUARY 15, 2008, in Courtroom 4 of the United States Courthouse in Oakland, California, to address the Court's questions and concerns.

IT IS SO ORDERED.

Dated: January 18, 2008

*Wayne D. Brazil*  
 WAYNE D. BRAZIL  
 United States Magistrate Judge

cc: Vance S. Elliott, Pro Per  
Sherri Sokeland Kaiser, Office of the City Attorney  
SBA

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE  
4 NORTHERN DISTRICT OF CALIFORNIA  
5

6 VANCE S. ELLIOTT,  
7 Plaintiff,

Case Number: C06-4842 SBA (WDB)  
C07-04446 SBA (WDB)  
MC 07-80166 SBA (WDB)

8 v.

**CERTIFICATE OF SERVICE**

9 SAN FRANCISCO RENT  
10 STABILIZATION AND ARBITRATION  
BOARD,

11 Defendant.  
12 \_\_\_\_\_

13 I, the undersigned, hereby certify that on January 18, 2008, I SERVED a true and correct  
14 copy(ies) of the attached Order to Show Cause, by placing said copy(ies) in a postage  
15 paid envelope addressed to each of the persons hereinafter listed, by depositing said  
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18 Sherri Sokeland Kaiser  
19 Office of the City Attorney  
20 #1 Dr. Carlton B. Goodlett Place  
City Hall, Room 234  
San Francisco, CA 94102-4682

21 Vance S. Elliott  
22 The Baldwin House #227  
74 Sixth Street  
San Francisco, CA 94103

23 Dated: January 18, 2008

24 Richard W. Wieking, Clerk  
United States District Court

25   
26 By: Hera Kim  
27 Law Clerk/ Deputy Clerk  
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